

**MINUTES
GREEN BAY PLAN COMMISSION
Monday, July 13, 2015
City Hall, Room 604
6:00 p.m.**

MEMBERS PRESENT: Maribeth Conard–Chair, Sid Bremer, Ald. Jerry Wiezbiskie, Tim Gilbert, Tim Duckett, and Heather Mueller

MEMBERS EXCUSED: Linda Queoff – Vice Chair

OTHERS PRESENT: Kim Flom, Paul Neumeyer, Stephanie Hummel, Kathleen LeBlanc, Mary Kelly, Max Kehl, Jim Krumpas, Dan Theno, Mary Van Den Heuvel, Greg Schmitt, Dan Pamperin, Michelle Gear, David Boyce, Melanie Parma and Mike Stangel

APPROVAL OF MINUTES:

Approval of the minutes from the June 8, 2015, Plan Commission meeting

A motion was made by T. Duckett and seconded by Ald. J. Wiezbiskie to approve the minutes from the June 8, 2015, Plan Commission meeting. Motion carried.

COMMUNICATIONS:

OLD BUSINESS:

1. Discussion and action on the request from Ald. Chris Wery, on behalf of residents, to consider naming or renaming a street after Green Bay Packer General Manager, Ron Wolf.

K. Flom stated she received an email from Ald. C. Wery asking the Plan Commission to receive this item and place it on file.

A motion was made by Ald. J. Wiezbiskie and seconded by T. Gilbert to receive and place on file the request from Ald. Chris Wery, on behalf of residents, to consider naming or renaming a street after Green Bay Packer General Manager, Ron Wolf. Motion carried.

NEW BUSINESS:

2. (ZP 15-08) Discussion and action on the request to rezone the following parcels from Low Density Residential (R1) to General Commercial (C1): 1579 East Mason Street, 1583 East Mason Street, 508 Bellevue Street, 502 Bellevue Street, 1586 Kimball Street and 1580 Kimball Street. In addition, a request to create a Planned Unit Development (PUD) overlay for the parcels above and the property located at 1593 East Mason Street to permit the construction of a Grand Central Station Convenience Store and two attached restaurants, submitted by Dan Pamperin, Packerland Shell. (Ald. Tim De Wane, District 4)

P. Neumeyer explained this is a two part request. The first part of the request is a rezoning from Low Density Residential to General Commercial that involves the six lots. The second part is a Planned Unit Development (PUD) overlay that includes the six parcels and the property at 1593 East Mason Street. The Comp Plan designates this area as Commercial and earlier this year there was a Comprehensive Plan Amendment for the area from Low Density residential to Commercial. The proposed use of the property is compliant with both the recommended policy and future land use map.

The request to create a PUD overlay for the parcels is to permit construction of the Grand Central Convenience store and two attached restaurants. P. Neumeyer went through the site plan and PUD Draft with the Commissioners. Items included access points, a 15 ft. green space buffer between the proposed project area and the residential neighborhood and overall design. Ald. Tim De Wane and adjacent property owners within 200 ft. of the subject property were notified of the request. One letter of objection was received. He also spoke to neighbors and answered questions and concerns that they had. Planning staff is recommending approval of the request subject to:

- a. The parcels being combined into one tax parcel.
- b. The draft Planned Unit Development (PUD) language.

M. Conard stated she has driven by the property and noted there was a fence around the area and was wondering when that went in. K. Flom stated the contractor began demolition work without securing the appropriate permits. After going out to the site, the contractor corrected the situation quickly.

M. Conard suspended the rules to allow for public comments.

Kathleen LeBlanc – 469 Bellevue St: K. LeBlanc stated one of her concerns is that there is a school nearby and is worried about loitering and the fact that a lot of kids walk to school and there will be an increase in traffic to the area. She also was not happy that she did not get any information prior to July 1, 2015 and no information from their alderman or the developer and that there was no neighborhood meeting.

M. Conard asked P. Neumeyer if he could address some of K. LeBlanc's issues. P. Neumeyer stated that during the Comp Plan Amendment process a neighborhood meeting was mentioned, however, he did not have confirmation if that was carried out. He stated that Staff is not required to provide notices based on statutory requirements.

S. Bremer asked if notices were sent out for the Comp Plan Amendment change. P. Neumeyer stated there were no notices sent out from staff, per State Statute. Property owners within 200 feet were notified of the rezoning and the PUD 10 days prior to the meeting. S. Bremer asked if the notice was published in the paper for the Comp Plan Amendment. P. Neumeyer stated that it was published twice in the paper and had met statutory requirements.

Mary Kelly – 505 Bellevue Street: M. Kelly stated she feels this addition will not improve the neighborhood and therefore is against the project. She voiced her displeasure with the contractors and developers and feels there was a lack of consideration to the people in the neighborhood and the mess that was created as demolition began. She is also not happy that there was no response from their alderman. She is concerned with the garbage from the area as their garbage dumpsters are across from her property. She also spoke regarding parking and stated their parking lot would not be compliant with the current zoning code. She was informed by P. Neumeyer, prior to tonight's meeting; this ordinance does not apply and was not satisfied with the answer she received as to why.

Max Kehl – 1581 Kimball Street: M. Kehl presented the Plan Commission with pictures of the area and the mess that was created during the auction and demolition process. He would have appreciated being able to speak to one of the developers. He is concerned that not enough action has been taken to make this store "beautiful". He stated he is worried about the light, noise and increased traffic this will create. He does not want to look at a building and would like to see it be a part of the neighborhood and make it look cohesive. One other concern included dust from the construction and if there was asbestos in the homes that were demolished.

Jim Krumpos – 1575 East Mason Street: He stated he is against the project and the way it was presented to the neighborhood. He agrees with what everyone has stated so far this evening. His major concern is regarding the fence along the west side property line.

Dan Theno – 621 Schwartz Street: D. Theno stated he is the president of Oak Grove Neighborhood Association, however, he is not speaking on behalf of the Association tonight as the Board of Directors had not taken a position on this issue. However, he would have liked to have better communication with the developer to discuss with them the issues and concerns the neighborhood has. He would like to see more green space to help reduce noise issues. He also stated that he is the Vice-Chair of the Green Bay Transit Commission. Again, he is not speaking on their behalf, as they too have not taken a position on the project. His main concern is with traffic traveling east on East Mason and turning left. He stated he has no concerns regarding the business and feels it is a good business.

M. Conard asked D. Theno what his take was regarding the traffic in front of the school. He stated he believed there was already a traffic guard for the kids.

Mary Van Den Heuvel – 1585 Kimball Street: M. Van Den Heuvel stated she wanted to know why the neighborhood wasn't informed of the project. Her main concerns include littering/garbage blowing into her yard, noise, bright lights, and decrease in property value.

Greg Schmitt – 519 Bellevue Street: G. Schmitt stated that he supports what everyone has talked about this evening. He stated that he liked the idea of increasing the tax base, but does not like the fact that the back of the station butts up against their neighborhood. He feels there are better locations for a Grand Central Station.

Dan Pamperin – 396 Talus Court: D. Pamperin began by apologizing to the neighbors. He did state that in March 2015, he met with the alderman and discussed neighborhood meetings and requested that a meeting be held. Ald. Tim De Wane informed him that wasn't necessary and that he would go door-to-door and explain the project to all the neighbors. He also informed Commissioners that on July 9, 2015, he had another meeting with Ald. Tim De Wane and asked him if there were any concerns regarding the project. Ald. Tim De Wane informed him that there were some issues regarding the fence. He explained how the auction was supposed to work and that no one was to enter the properties until June 22, after the fencing went up. However, the weekend after the auction, people started taking things out of the houses and were trespassing on the property. As far as any hazardous materials within the properties, the homes were inspected and all hazardous materials were removed prior to the demolition.

D. Pamperin stated that they have been trying to be a good neighbor from the beginning and would like to be invited to a neighborhood meeting. He did address the issue of the back side of the building by stating that they are completely finished and there are no unexposed areas, including the air conditioners. As far as the lighting issues, they put in a "midnight sky" which means no lighting will go above the fixture, it will point straight down, and it will be controlled on an hour cycle. He then discussed the safety issues and assured there would be no issues like the previous convenience store had. He then talked about the landscaping that will be going along the fence line. He would like to work with the neighbors to see what kind of landscaping they would like to see. He did go into detail regarding why some of the fencing needed to be at 3 ft., which was due to visibility onto East Mason.

S. Bremer asked about hours of operation. D. Pamperin stated they operate 24 hours a day. She then asked if that included the two restaurants. D. Pamperin stated that they own the Baskin Robbins and that will not be a 24 hour operation, however, they lease out the Hardee's

portion and some of their locations do operate 24 hrs. A conversation continued between D. Pamperin and S. Bremer regarding the future of the carwash and an additional driveway.

Ald. J. Wiezbiskie did ask why he spoke with three aldermen and not just the alderman for the district. He stated he set up a meeting to speak with Tim De Wane and Tom De Wane came along. Then last week when me with Tim De Wane, Tom De Wane was there along with a third alderman. He also stated that he had made up brochures to be handed out to the neighbors and gave them to Tim De Wane as he was going to go door-to-door. Ald. J. Wiezbiskie suggested that he set up a neighborhood meeting with the two neighborhoods to make amends and get them involved and listen to their concerns.

S. Bremer asked if there was a way he could make amends or compensate the neighbors for the commotion that was caused, dust, and noise. D. Pamperin stated that he would be willing to work out something as they would like to keep their neighbors as their customers. She then asked if they would be willing to add additional landscaping, particularly along the west side. That is something they can talk about. She stated that this will be an item that she will be suggesting be added as a condition. He thought there may be an elevation issue along the west side, but he will look into that issue.

M. Conard then returned to regular order of business.

M. Conard asked P. Neumeyer if they agreed to the fact that they were supposed to see the site plan before work was to begin. P. Neumeyer stated that commercial zoning was needed to go ahead with the project; however, part of the recommendation was the PUD overlay zoning to control the convenience store portion. S. Bremer wanted to go on record saying that they need to consider the involvement of neighbors and neighborhood associations during the Comp Plan Amendment stage. P. Neumeyer responded by saying that the neighborhood associations were notified of both the Comp Plan Amendment and the rezoning meeting.

H. Mueller asked if a site plan could come back to the Plan Commission after going through a neighborhood meeting with their recommendations being taken into consideration. K. Flom stated it could be added as a condition to the PUD. Ald. J. Wiezbiskie stated that they need to consider if doing that would put time constraints on the builders to move this project forward. Both M. Conard and S. Bremer agreed that the project needs to “slow down” so the neighbors can be caught up on the project and be informed of what will be happening in the near future. T. Duckett would not be in favor of slowing the project down as it would create a greater eye sore. He is in favor of having the developers meeting with the neighbors and pushing forward with possible conditions added to the PUD. S. Bremer asked T. Duckett if there was a way to add contingencies into the motion to take away some of the concerns of the neighbors. He stated that they can do that. Commissioners then discussed what conditions should be added to the PUD, which included landscaping issues, a site plan, and neighborhood meetings.

D. Pamperin stated he cannot delay the project any longer. S. Bremer stated that her change in the PUD language was not intended to delay the project, but to ask that you take the neighborhood’s concerns into consideration. He is still willing to meet with the Neighborhood Associations.

T. Duckett stated he still feels that this should be able to move forward as this is a good plan and not hold it off. T. Gilbert then asked T. Duckett what his motion was again. T. Duckett then restated his motion.

S. Bremer stated she does not agree with the motion and will be voting against the issue as she feels a site plan should come back before the Plan Commission and items such as increased

landscaping, berming, lack of information regarding restaurant hours should be addressed. Ald. J. Wiezbiskie suggested that her specific items of concern be written up and presented to the City Council on July 21, so they can approve this item with a “friendly” amendment of presenting her specifics. S. Bremer stated she would be in agreement with that change.

S. Bremer presented a list of information for the amendment regarding the PUD:

- To extend the buffer to the west as well as Kimball and Bellevue.
- Increase greenery facing / bordering neighbors.
- Deal with the Hardee’s impact regarding noise and hours, especially the drive-thru.
- Deal with neighborhood impacts.

A motion was made by T. Duckett and seconded by Ald. J. Wiezbiskie to rezone the following parcels from Low Density Residential (R1) to General Commercial (C1): 1579 East Mason Street, 1583 East Mason Street, 508 Bellevue Street, 502 Bellevue Street, 1586 Kimball Street and 1580 Kimball Street. In addition, a request to create a Planned Unit Development (PUD) overlay for the parcels above and the property located at 1593 East Mason Street to permit the construction of a Grand Central Station Convenience Store and two attached restaurants, subject to:

- a. The parcels being combined into one tax parcel.
- b. The draft Planned Unit Development (PUD) language.
- c. Modifications to landscaping and lighting to minimize impact on surrounding properties.
- d. The PUD language and site plan shall address:
 1. Extended buffer landscaping along the southwest corner of the site as well as along Kimball and Bellevue Street.
 2. Increase landscaping that faces or borders neighbors.
 3. Minimize impact of smells, noise and hours of operations related to the two proposed restaurants.
 4. A neighborhood consultation/meeting with neighbors to address revisions/additions with the PUD language and site plan.

Motion carried.

3. (ZP 15-13) Discussion and action on the request to rezone 1015 Lombardi Avenue, Hilton Garden Inn-Green Bay, from General Industrial (GI) to General Commercial (C1) and for a Conditional Use Permit (CUP) for the hotel to exceed the maximum height limitations and use as a hotel, submitted by Michelle M. Gear, Hilton Garden Inn-Green Bay. (Ald. G. Zima, District 9)

P. Neumeyer stated this is a two-part request. The initial request is to rezone 1015 Lombardi Avenue from General Industrial to General Commercial. The second part of the request is for two Conditional Use Permits (CUP), one to allow the hotel to exceed maximum height limitations and the second for use as a hotel. The property is The Hilton Garden located on Lombardi Avenue. This is not considered “spot zoning” as the Comp Plan does recommend Commercial for this area. The Hilton Garden was constructed in 1999 and met the zoning requirements. In 2006, when the Zoning Code was updated, hotels were no longer permitted within Industrial Districts. There are also new height requirements for both Industrial and Commercial Districts. They are looking for the rezoning and CUP to become compliant. Ald. G. Zima and affected property owners were notified of the request. No calls were received for this request.

A motion was made by Ald. J. Wiezbiskie and seconded by T. Duckett to rezone 1015 Lombardi Avenue, Hilton Garden Inn-Green Bay, from General Industrial (GI) to General Commercial (C1)

and for a Conditional Use Permit (CUP) for the hotel to exceed the maximum height limitations and use as a hotel. Motion carried.

4. (TA 15-04) Discussion and action on the request to amend Chapter 13-2011, Table 20-3, to permit wall signage that does not have “street frontage”, submitted by Terry Albrecht, Packer Fastener.

P. Neumeyer stated this is a text amendment request related to the sign code for the Industrial Districts. The request is from a business along South Ashland Avenue, Packer Fastener, to permit signage facing South Ashland Avenue. Currently, the railroad right-of-way prevents the necessary street frontage required by the code. The change will allow the ability to advertise and place a sign facing a public right-of-way. The following would be considered the new language for the code:

“For properties that are adjacent to a railroad right-of-way or public utility corridor, a wall sign may be permitted if the sign faces a public right-of-way.”

This will affect all businesses along South Ashland, not just Packer Fastener. Planning staff is recommending approval, subject to the draft language.

A motion was made by Ald. J. Wiezbiskie and seconded by T. Gilbert to amend Chapter 13-2011, Table 20-3, to permit wall signage that does not have “street frontage”, subject to the draft language. Motion carried.

5. (AV 15-01) Discussion and action on the request to vacate a portion of alley between 139 South Monroe (Leonardo DaVinci School) and 133 South Monroe, submitted by Michael Stangel, on behalf of Green Bay Area Public Schools. (Ald. R. Scannell, District 7)

S. Hummel stated this request originally came to them in March 2015. There were issues with the original request and the adjacent property owner. Since that time, the Green Bay Area Public School District has purchased additional properties and has amended the alley vacation to extend the length of the eastern lots. The reason for the vacation is to connect the original building with the new building, per their proposed site plan. Ald. R. Scannell and affected property owners were informed of the request. There were no objections with the exception of WPS requesting a utility easement within the vacated alley.

M. Conard suspended the rules for public comment.

David Boyce – 123 S. Quincy Street: D. Boyce wanted to know the reason for the vacation and what is happening at the property across the street from him. S. Hummel stated that she does not have any information as to what will be built on the property. We will know more as the site plans come into the office. M. Conard stated that M. Stangel is here and maybe he can address these issues.

Melanie Parma – 1145 Aphrodite Road: She is the Architect for the project and would answer any questions that they might have. She also stated that M. Stangel was present to answer questions too. The vacating of the alley is to link the two school buildings together. She stated the building link would not encroach on the vacated alley and that the alley would be used as their setback area.

Mike Stangel – 200 S Broadway Street: M. Stangel stated he would answer any questions. He gave a brief overview of the plan for the new building for the school. There are no current plans for the houses next to the vacated alley. Some of the houses are still being rented out at this

time. As the tenants leave the rental units, the houses will then be razed and the area will be used for green space, playgrounds, and/or parking.

M. Conard returned the meeting to regular order of business.

A motion was made by Ald. J. Wiezbiskie and seconded by T. Duckett to vacate a portion of alley between 139 South Monroe (Leonardo DaVinci School) and 133 South Monroe, subject to the following condition:

- a. The petitioner shall reserve a utility easement within the easterly six (6) ft. of the alley for the Wisconsin Public Service's facilities present.

Motion carried.

INFORMATIONAL:

OTHER:

Director's Update on Council Actions

K. Flom reported the following information:

- At the June City Council meeting, everything that was on the June 8, 2015, Plan Commission Report was approved and T. Gilbert was re-appointed to the Green Bay Plan Commission.

SUBMITTED PETITIONS: (for informational purposes only)

A motion was made by Ald. J. Wiezbiskie and seconded by S. Bremer to adjourn. Motion carried.

Meeting adjourned at 8:03 pm

PLEASE NOTE: Next Plan Commission meeting will be held on August 10, 2015, at 6:00 pm.